

MINUTES

ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 21, 2004

CALL TO ORDER/NOTING OF QUORUM

Chairman Herriman called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass and Commissioner Marks Felsher. Also in attendance were Industry Liaison Okey, Superintendent Huskey and Executive Secretary Webb.

Michael Curts of ILBA, Mark Shublak and Debbie Scott of IABR were present as observers.

DISPOSITION OF MINUTES

Vice Chairperson Glass moved to approve the minutes that were submitted for the September 7, 2004 meeting. Motion seconded by Commissioner Marks Felsher and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Commissioner Marks Felsher moved to approve the PAD forms that were submitted for the September 21, 2004 meeting, pending approval by the Hearing Judge. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks Felsher and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks Felsher and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks Felsher and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks Felsher and it was unanimously approved.

Four hundred thirty-three (433) renewals approved, fifty-one (51) new and/or transfer permits approved, twenty-four (24) permits conditionally approved, eighteen (18) permits approved for catering, eight (8) permits approved for first year escrow, six (6) permits approved for second year escrow, one (1) permit approved for third year escrow and one (1) permit approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks Felsher moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR46-04196 ROBERT LANTZ D/B/A BOBBY GEORGE'S – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting three (3) to one (1) to disapprove. The mayor and the chief of police were remonstrators.

Vice Chairperson Glass moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Marks Felsher and it was unanimously approved.

DL37-07638 R & B LIQUORS, INC. – Vice Chairperson Glass noted this is a type 217 renewal application with the local board voting four (4) to zero (0) to approve. There were remonstrators present at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation and approve the renewal. Motion seconded by Commissioner Marks Felsher and it was unanimously approved.

DL20-21213 HARDINGS MARKET WEST, INC. D/B/A BRISTOL PHARMACY – Vice Chairperson Glass noted this is a new type 208 application with the local board voting four (4) to zero (0) to approve. There were remonstrators present at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Marks Felsher and it was unanimously approved.

DL43-21214 PAMIDA, INC. – Vice Chairperson Glass noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve. There were remonstrators present at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Marks Felsher and it was unanimously approved.

RR02-21155 JOSE LUIS SALAZAR D/B/A OFELIA RESTAURANT & BANQUET HALL – Vice Chairperson Glass noted this is a new type 112 application with the local board voting three (3) to one (1) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Marks Felsher and it was unanimously approved.

RT20-21156 KMC FINANCE, INC. D/B/A NEW PARIS SPEEDWAY – Vice Chairperson Glass noted this is a new type 105-1 application with the local board voting four (4) to zero (0) to disapprove. The Health Department was present at the hearing to remonstrate.

Vice Chairperson Glass moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Marks Felsher and it was unanimously approved.

RR35-21199 & RR35-21200 DON RAFAEL MEXICAN CUISINE, INC. – Vice Chairperson Glass noted this is a new type 103 application and a new type 210-1 application with the local board voting three (3) to zero (0) to approve. There were remonstrators present at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation and approve the new permits. Motion seconded by Commissioner Marks Felsher and it was unanimously approved.

RR42-20395 RONALD VERNON THOMAS D/B/A DA BAR AND GRILL – Vice Chairperson Glass noted this is a type 210-1 renewal application with the local board voting three (3) to zero (0) to disapprove. The local board questioned the character and reputation of the permittee and also stated the permittee has allowed the premises to become a public nuisance.

Vice Chairperson Glass moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Marks Felsher and it was unanimously approved.

RR31-21278 & RR31-21279 MIQUEL EL GALLO MEXICAN RESTAURANT, INC. – Vice Chairperson Glass noted this applicant is requesting permission to file for a type 103 permit and a type 210-1 permit simultaneously.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Marks Felsher and it was unanimously approved.

RR37-21280 & RR37-21281 THE RICO CORPORATION – Vice Chairperson Glass noted this applicant is requesting permission to file for a type 103 permit and a type 210-1 permit simultaneously.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Marks Felsher and it was unanimously approved.

INACTIVE FILES

Commissioner Marks Felsher moved to make five (5) permits inactive. All five (5) permits are not subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

No Appeals from Local Board Recommendations

OLD BUSINESS

No Old Business

NEW BUSINESS

ALEXANDER’S WINE TASTING BENEFIT – Alexander’s Restaurant would like to use donated wine for their Alexander’s Wine Tasting Benefit to benefit the Knox County Community Foundation.

WHITINGTON HOMES & SERVICES ART AUCTION AND WINE TASTING – Whittington Homes & Services for Children & Families would like to use donated wine for their Art Auction and Wine Tasting event.

EAGLES NEST CHARITY FOOD AND WINE TASTING – Eagles Nest Event Center and The Dock Liquor Inc. would like to use donated wine for their charity food and wine tasting to benefit Columbia City Parks & Recreation Department.

MIRACLE PLACE FIESTA FUNDRAISER – Miracle Place would like to serve donated alcoholic beverages at their Fiesta Fundraiser.

QUAD TOWN SAFETY VILLAGE WINE TASTING – Quad Town Safety Village would like to use donated wine at their wine tasting.

2ND ANNUAL SMOKE ON THE WATER BBQ FESTIVAL – Smoke on the Water would like to serve donated alcoholic beverages at their 2nd Annual Smoke on the Water BBQ Festival.

JT'S HAND NEONATAL FUND WINGS OF LOVE ANNUAL GALA – JT's Hand Neonatal Fund would like to serve donated alcoholic beverages at their Wings of Love Annual Gala.

WINE TASTING FOR EUGENE PATE – Eugene Pate American Legion Baseball would like to use donated wine for a wine tasting benefit.

ST. JUDE CHILDREN'S RESEARCH HOSPITAL WINE TASTING/SILENT AUCTION – St. Jude Children's Research Hospital would like to use donated wine at their wine tasting/silent auction fundraiser.

ZIONSVILLE EDUCATION FOUNDATION ZEF OKTOBERFEST – Zionsville Education Foundation is requesting permission to serve donated alcoholic beverages at their 2004 ZEF Oktoberfest.

Vice Chairperson Glass moved to approve these requests. Motion seconded by Commissioner Marks Felsher and it was unanimously approved.

POLICY DETERMINATIONS

Nothing Policy Determinations

UNDER ADVISEMENT

LSA DOC #04-111 BEER SAMPLING RULE – Executive Secretary Webb stated he felt that there is still some disagreement on what form this rule should take. Therefore, the Executive Secretary recommended the Commission extend the public comment period until 10-01-04.

Vice Chairperson Glass moved to extend the public comment period. Motion seconded by Commissioner Marks Felsher and it was unanimously approved.

ANNOUNCEMENTS

PUBLIC AUCTION – The 2004 Alcohol and Tobacco Commission permit auction will be held on October 21, 2004 at 10:00 a.m. in Indiana Government Center South Conference Room A.

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks Felsher and it was unanimously approved.

Approved this _____ day of _____, 2004.

BART HERRIMAN, CHAIRMAN

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI MARKS FELSHER, COMMISSIONER